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In re Boyd
Serial No.: 09/997,520

REMARKS

This is a full and timely response to the non-final Office Action mailed December 16, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8 and 10-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carney* (U.S. Patent No. 6,408,278) in view of *Hunter* (U.S. Patent No. 6,430,603).

It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

As provided in independent claim 1, Applicant claims:

A method for distributing and presenting preferred data on a display device located at a predetermined remote premise, comprising:

identifying a user preference;

providing a first communication session between a user and a host server, wherein the first communication session transfers the user preference to the host server;

selecting preferred data responsive to the transferred user preference;

providing a second communication session via a communication link between the host server and a remotely located display device, wherein the second communication session transfers the preferred data and a display control parameter to the display device and transfers an indication of one or more operational conditions of the display device to the host server;

placing the remotely located display device in a presentation mode configured to present the preferred data in response to the display control parameter, the display control parameter including a time period, wherein the presentation mode of the display device displays the preferred data for a duration in accordance with the time period; and

at a designated time, initiating a communication session with the host server from the display device in order to receive new preferred data from the host server and to report any adverse conditions to the host server that are detected by the display device during a health status check of the display device.

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(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Carney* in view of *Hunter* does not disclose, teach, or suggest at least "providing a first communication session between a user and a host server, wherein the first communication session transfers the user preference to the host server" and "at a designated time, initiating a communication session with the host server from the display device in order to receive new preferred data from the host server and to report any adverse conditions to the host server that are detected by the display device during a health status check of the display device." as recited and emphasized above in claim 1.

For example, in Figure 1 of *Carney*, it appears to show a display device 14 in communication with a server 24n which communicates via link 23 to a communications network 22. In particular, the figure shows that the server 24n communicates with the display device 14 in a one-way communication that is initiated from the server to the display device and not vice versa. Additionally, the textual description of the reference does not appear to contradict this teaching.

With regard to *Hunter*, it also fails to teach or suggest that a display device initiates communications with a host server that is also involved in a first communication session with a user. For example, Fig. 1 of *Hunter* shows a customer interface web server 40 that is not in communication with one of the LED displays 30. Furthermore, *Hunter* does not appear to suggest that one of the LED displays 30 initiate communications with one of the servers 100 (that is also not used in communication with a customer or user). This claim also recites further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record.

Accordingly, the cited art fails to teach or suggest at least "providing a first communication session between a user and a host server, wherein the first communication session transfers the user preference to the host server" and "at a designated time, initiating a communication session with the host server from the display device in order to receive new preferred data from the host server and to report any adverse conditions to the host server that are detected by the display device during a health status check of the display device." Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Carney* in view of *Hunter* has not been made. As a result, the rejections of claim 1 should be withdrawn.

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b. Claims 2-8 and 10-16

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-8 and 10-16 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-8 and 10-16 contain all the steps and features of independent claim 1. Additionally and notwithstanding the foregoing reasons for allowability of claims 2-8 and 10-16, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

c. Claim 17

As provided in independent claim 17, Applicant claims:

A digital image leasing system comprising:
means for collecting a plurality of digital images;
means for indexing the plurality of digital images;
means for recording information reflective of a particular customer;
means for providing a mechanism for the particular customer to

communicate an image preference;

means for selecting a digital image responsive to the image preference;

means for communicating the digital image to a display device at a remote location, wherein the display device is configured to enter a presentation mode such that the display device is configured to display the digital image in accordance with an amount of time specified by a display parameter; and

means for the display device to transfer information regarding the display device, the display device being configured to initiate a communication session for receiving new digital image data and to report any adverse conditions that are detected by the display device during a health status check of the display device.

(Emphasis added).

Applicant respectfully submits that independent claim 17 is allowable for at least the reason that *Carney* in view of *Hunter* does not disclose, teach, or suggest at least "means for the display device to transfer information regarding the display device, the display device being configured to initiate a communication session for receiving new digital image data and to report any adverse conditions that are detected by the display device during a health status check of the display device," as recited and emphasized above in claim 17.

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For example, in Figure 1 of *Carney*, it appears to show a display device 14 in communication with a server 24n which communicates via link 23 to a communications network 22. In particular, the figure shows that the server 24n communicates with the display device 14 in a one-way communication that flows from the server to the display device and not vice versa. Therefore, the display device 14 does not appear to initiate a communication session. Additionally, the textual description of the reference does not appear to contradict this teaching.

With regard to *Hunter*, it also fails to teach or suggest that a display device initiates communications, where a transfer of digital image data or a reporting of adverse conditions occurs. For example, *Hunter* does not appear to suggest that one of the LED displays 30 initiate communications with one of the servers 100 (that is also not used in communication with a customer or user). This claim also recites further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record.

Accordingly, the cited art fails to teach or suggest "means for the display device to transfer information regarding the display device, the display device being configured to initiate a communication session for receiving new digital image data and to report any adverse conditions that are detected by the display device during a health status check of the display device." Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Carney* in view of *Hunter* has not been made. As a result, the rejections of claim 17 should be withdrawn.

d. **Claims 18-20**

Because independent claim 17 is allowable over the cited art of record, dependent claims 18-20 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that the dependent claims 18-20 contain all the elements and features of independent claim 17. Additionally and notwithstanding the foregoing reasons for allowability of claims 18-20, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

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*Serial No.: 09/997,520***CONCLUSION**

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Charles W. Griggers, Reg. No. 47,283